

CITY OF FULTONDALE

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SEP 9 2011

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FILED

September 7, 2011

Ms. Cynthia T. Brown
Chief of Section Admin., Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: STB Docket No. AB-55 (Sub-No. 613x)

Dear Ms. Brown:

By decision served on October 2, 2007, the Surface Transportation Board (STB) issued a notice of interim trail use or abandonment (NITU) substituting the City of Fultondale, Al (the City), as the interim trail use proponent in lieu of Jefferson County, Alabama with respect to the 16.47-mile line which is the subject of the above-referenced proceeding. The Board also authorized a new negotiation period for the City and CSXT extending from October 2, 2007, until March 30, 2008.

By decisions served on April 3, 2008, October 2, 2008, April 6, 2009, and September 28, 2009, the trail use negotiation period under the NITU was extended to March 20, 2010. These decisions also extended the consummation notice filing deadline until March 19, 2010.

During the current extension period the City and CSXT have been involved in the negotiation of a Right-of-Entry Agreement required in order for the city to conduct environmental testing under the draft Purchase Sale Agreement, and the City obtained conditional access to funds available through an EPA Brownfield Grant to cover the cost of that ESA testing work. The City has now approved and is in the process of executing the Right-of-Entry Agreement to be submitted to CSXT for its approval and execution.

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Material progress has been made in these negotiations to-date, and the City desires an extension of the March 20, 2010 deadline in order to gain access to the site and conduct the ESA testing work to be funded through the Brownfield Grant. By copy of this letter to CSXT, I am requesting that CSXT notify you of its agreement with this requested extension of 180 days from the March 20th date. During the last extension we have received right-of-entry and have completed the environmental testing. By receiving this letter we are requesting that CSXT notify you of its agreement with this request extension of 180 days from September 15th date so we can complete the negotiations.

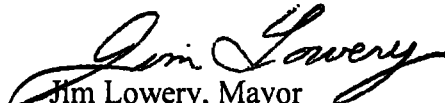
Since our last extension the City has made a lot of progress with our right-of-entry granted to do the environmental on the rail bed. The testing is almost complete on all but two parcels. By receiving this letter we are requesting a 180 day extension from March 15, 2011 from CSXT to complete the work and finish the negotiations.

Since our last extension request of March 15th, 2011 we have completed the Environmental on the rail bed and also the appraisal has been updated. The negotiations were on going until April 27th when an F-3, F-4 and F-5 tornado hit our state and killed 245 people. Fultondale had over 300 homes damaged, several businesses destroyed or damaged and 32 homes were completely destroyed, but we were blessed that we had no loss of life due to the destruction.

We had to put the CSXT negotiations on hold until we could help our residents and business owners put their life's back together. However, it is time to start the process again. Therefore I am requesting another 180 day extension from September 11, 2011 so we can complete the negotiations on this great project for our community.

Thank you for working with the city on this very important project to our community.

Respectfully submitted,


Jim Lowery, Mayor
City of Fultondale

cc: CSX Transportation
Atten: Bruce McMahon
Manager – Public Agency Ser.
301 West Bay St.
Suite 900, J-180
Jacksonville, FL 32202

cc: CSX Transportation
Asset Management
Atten: Stephanie Lemmon
500 Water Street – J200
Jacksonville, FL 32202

